

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**KEVIN YAN LUIS**, *on behalf of herself and all  
others similarly situated*,

**Plaintiff,**

**-against-**

**JASON MARKK, INC.,**

**Defendants.**

**22-cv-4968 (ALC)**

**Order of Dismissal**

**ANDREW L. CARTER, JR., United States District Judge:**

On March 1, 2023, the Court ordered Plaintiff to show cause by March 10, 2023 as to why this action should not be dismissed without prejudice for failure to prosecute the case pursuant to Fed. R. Civ. P. 41(b). (ECF No. 11.) To date, Plaintiff has not responded to the Court's order. Accordingly, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . .").

**SO ORDERED.**

**Dated: April 10, 2023  
New York, New York**



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**ANDREW L. CARTER, JR.  
United States District Judge**